

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

Examiner interview

Applicant appreciates the courtesy extended by the examiner to Applicant's representative during the course of a telephonic interview conducted on July 17, 2006.

Applicant's representative contacted the examiner to request clarification of an Office Action mailed on June 22, 2006, in which the Hamilton reference (U.S. 3,222,113) was incorrectly identified, and the examiner's consideration of certain claims was not clearly set forth.

The examiner noted that the Hamilton reference was identified in the name of "Lay" on PTO form 892. Also, the examiner clarified the consideration of the claims.

The examiner agreed to send an updated Office Action, restarting the period for reply.

In the claims

Claims 1, 3, 4, 9, 10, 12, 14 and 15 have been amended to clarify the subject matter of the present invention. Further, claims 17-24 have been added to further clearly define the present invention. The newly added claims are fully supported by the original specification, from page 8, line 17 to page 9, line 10, and from page 12, line 15 to page 13, line 24.

Rejection of claims 1-4 and 9-11 under 35 U.S.C. § 103(a)

Claims 1-4 and 9-11 presently stand rejected as being unpatentable over Casoli (U.S. 4,739,781) in view of either Germany '984 (DE 195 46 984) or EPO '277 (EP 0 864 277). This rejection is respectfully traversed for at least the following reasons.

Claim 1 is directed to a dishwasher including a covering member for blocking a gap to be opened between a washer tub and a main body when the washer tub is fully extracted from the main body, wherein the covering member includes bottom covers, each bottom cover being attached to a lower part of each side surface of the washer tub and extending downward and backward therefrom.

It is respectfully submitted that the cited references fail to form a prima facie basis of obviousness of claim 1. To establish a prima facie case of obviousness, three basic criteria first must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the references teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations. (MPEP 2143).

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In *re* Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (fed.cir.1991). All claim limitations must be taught or suggested by the prior art (MPEP 2143.03). In *re* Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In *re* Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In *re* Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.1998).

It is respectfully submitted that Casoli and either Germany '984 or EPO '277 fail to teach or suggest all the claim limitations set forth in claim 1 of the present application.

None of the cited references teach or suggest a covering member including bottom covers, each bottom cover being attached to a lower part of each side surface of a washer tub and extending downward and backward therefrom.

The examiner, in the recent Office Action, acknowledges that Casoli differs from the claimed invention in that Casoli does not disclose a covering member blocking a gap,

opened between a washer tub and main body when the washer tub is fully extracted therefrom, and with the covering member including concealing members extending downwards and backwards from a lower part of each side surface of the washer tub. Referring to Casoli's illustrations, it is clear that no such covering member, concealing member, or bottom cover exists.

Germany '984 is lacking any disclosure or suggestion of a covering member for blocking a gap to be opened between a washer tub and a main body when the washer tub is fully extracted from the main body. Instead, Germany '984 discloses a closing device for closing an opening only when a drawer is entirely removed.

In one example, Germany '984 discloses a closing device including a pocket portion 4i provided with a circumferential web 4k (referring to Fig. 3 of Germany '984). However, the pocket portion 4i ***does not function to block a gap between the refrigerator 1 and the drawer 2***, but functions to ***close the opening 3*** when the drawer 2 ***is removed*** as shown in the third drawing from top in Fig. 3.

Further, Germany '984 is lacking any disclosure or suggestion of a covering member including bottom covers, each bottom cover being attached to a lower part of each side surface of a washer tub and extending downward and backward therefrom.

EPO '277 is also lacking any disclosure or suggestion of a covering member for blocking a gap to be opened between a washer tub and a main body when the washer tub is fully extracted from the main body. While the examiner cites figs. 2A and 2B of EPO '277 as disclosing a covering member as claimed, it is respectfully submitted that no such cover member is shown.

Applicant provides herewith a non-certified English language translation of EP 0 864 277. Referring to pages 5 and 6 of the English language translation, it is clear that Figs. 2A and 2B illustrate a guiding and sliding means of the drawer 1, which is constructed by at least two telescopic type groove units 10, 11, 12, 13, 14 and 15. The rear part of the drawer 1 is connected to an approximately parallelepiped frame 4.

However, there is no teaching or suggestion that either the frame 4 or the telescopic type groove units form a covering member for blocking a gap, or a covering member including bottom covers, each bottom cover being attached to a lower part of each side surface of a washer tub and extending downward and backward therefrom.

For at least these reasons, it is respectfully submitted that Casoli and either Germany '984 or EPO '277 do not form a prima facie case of obviousness of claim 1 of the present application, since these references, whether considered individually or in combination fail to teach or suggest all the claim limitations set forth in claim 1. Therefore, claim 1, and claims 2-4, 8-11, 17-19, 23 and 24 which depend from claim 1, are allowable over the cited references. Accordingly, withdrawal of the rejection is requested.

Rejection of claims 12-16 under 35 U.S.C. § 103(a)

Claims 12-16 presently stand rejected as being unpatentable over Casoli (U.S. 4,739,781) in view of Hamilton (U.S. 3,222,113), Germany '984, or EPO '277. This rejection is respectfully traversed for at least the following reasons.

The present invention as defined in claim 12 is directed to a dishwasher including a covering member for blocking a gap to be opened between a washer tub and a main body when the washer tub is fully extracted from the main body, wherein the covering member includes side members, each side cover being attached to an upper part of each side surface of the washer tub and extending backward therefrom.

It is respectfully submitted that the cited references fail to teach or suggest all the limitations set forth in claim 12 of the present application, and therefore the cited references do not form a prima facie case of obviousness of claim 12.

As discussed above, with respect to claim 1, Casoli, Germany '984, and EPO '277 each fail to disclose or suggest a covering member for blocking a gap to be opened between a washer tub and a main body when the washer tub is fully extracted from the main body. It is respectfully submitted that, for the same reasons discussed above, these references also fail to disclose or suggest that the covering member includes side

members, each side cover being attached to an upper part of each side surface of the washer tub and extending backward therefrom.

Further, it is respectfully submitted that Hamilton too fails to disclose or suggest these elements of claim 12.

Hamilton discloses a desk including a center drawer. However, in Hamilton the center drawer has a transversely extending cover 338 at its rear end to cover a rear portion of the center drawer to prevent papers from slipping out over the back wall 308 (Hamilton; Fig. 37; col. 12, lines 34-42) whereas each side cover for blocking the gap between the washer tub and the main body is attached to an upper part of each side surface of the washer tub. Accordingly, the transversely extending cover 338 is different from the side covers of the present invention.

Further, referring to Hamilton's Fig. 37 together with Fig. 41, which shows a side end of the cover 338 in greater detail, it can be seen that no part of the cover 338 extends rearward from the drawer.

As explained above, in Germany '984 the pocket portion 4i does not function to block a gap between the refrigerator 1 and the drawer 2, but functions to close the opening 3 when the drawer 2 is removed. Also, the pocket portion 4i is arranged detachably at the rear end side of the drawer 2 whereas each side cover of the present invention is attached to an upper part of each side surface of the washer tub.

Furthermore, in EPO '277, the telescopic type groove units 10-12 and 13-15 do not serve to block a gap opened between the armrest 2 and the drawer 1 when the drawer 1 is fully extracted from the armrest 2. Further, the telescopic type groove units 10-12 and 13-15 are connected with the top and the bottom of the drawer 2 whereas each side cover of the present invention is attached to an upper part of each side surface of the washer tub.

For at least these reasons, it is respectfully submitted that the cited references do not form a prima facie case of obviousness of claim 12 of the present application, since these references, whether considered individually or in combination fail to teach or suggest all the claim limitations set forth in claim 12. Therefore, claim 12, and claims 13-

16 and 20-22 which depend from claim 12, are allowable over the cited references. Accordingly, withdrawal of the rejection is requested.

New claims 17-24

The newly added claims 17 and 20 define that each side surface is parallel with a sliding direction of the washer tub and perpendicular to a bottom surface of the washer tub. Claims 17 and 20 further clearly define the side surface of claims 1 and 12.

Claims 19 and 22 define that a portion of said each bottom cover or said each side cover is located outside the main body when the washer tub is fully extracted from the main body.

Claims 23 and 24 further clearly define the disposition of the bottom and the side covers, respectively.

It is respectfully submitted that none of the cited references, including Casoli, Germany '984, EPO '277 and Hamilton, disclose or suggest these features.

Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-4 and 9-24 be allowed and the application be passed to issue.

Application No.: 10/667,424  
Examiner: F. L. Stinson  
Art Unit: 1746

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

BACON & THOMAS, PLLC  
625 Slaters Lane, Fourth Floor  
Alexandria, Virginia 22314-1176  
Phone: (703) 683-0500

Date: November 6, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John R. Schaefer", written in a cursive style.

JOHN R. SCHAEFER  
Attorney for Applicant  
Registration No. 47,921